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April 15, 2025

**VIA ELECTRONIC MAIL ([AME\\_orders@njd.uscourts.gov](mailto:AME_orders@njd.uscourts.gov))**

Honorable Andre M. Espinosa, U.S.M.J.  
United States District Court  
District of New Jersey  
MLK Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07102

**Re: NJDEP, et al. v. American Thermoplastics Corp., et al.**  
**Docket No.: 2:98-cv-04781-JXN-AME**

Dear Magistrate Judge Espinosa:

Pursuant to Your Honor's Text Order dated October 9, 2024, *see* Dkt. 1469, please accept this joint letter on behalf of Third-Party Plaintiffs, Compaction Systems Corporation (a New Jersey Corporation) and Compaction Systems of Connecticut, Inc. (collectively, "Compaction") and Third-Party Defendants Combustion Equipment Associates, Inc. n/k/a Carter Day Industries, Inc. (collectively "CEA/CDI"), relating to the status of the mediation before the Honorable Marianne Espinosa (Ret.).

As Your Honor may be aware, the parties exchanged supplemental mediation position statements in August and September, 2024 and subsequently met jointly in October to discuss their respective positions. On October 9, 2024, the parties and the CEA/CDI insurance carrier representatives participated in another in-person mediation session overseen by Judge Marianne Espinosa (Mediator), during which time the Compaction and CEA/CDI representatives presented

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the parties' respective positions to the entire group. At the October 9 mediation, a counter settlement proposal was presented to Compaction by certain of CEA/CDI's insurance carrier representatives on behalf of themselves and CEA/CDI.

After October 9, 2024, the Mediator has had numerous phone calls and email communications with the parties, up to and including through the end of December 2024. As a result of the Mediator's efforts and the October 9 mediation, CEA/CDI and its insurance carriers have provided Compaction with further detail on each of their individual positions. From the Compaction side, Compaction has been researching each of these issues, including review of historic insurance policies and settlement agreements which has not been a simple analysis and Compaction anticipates that it will need additional time to respond to the insurance carriers' latest proposal as well as to address the additional issues that have been raised. Plaintiff Compaction has been working to prepare a response to certain insurers' proposals, the insurer and CEA/CDI position, and the mediator's recommendation. This response has been delayed because (1) there has been a change in leadership at Compaction's insurer and (2) this has required Compaction to update leadership on the history of the matter, the likely outcome of the issues that some or all defendants have raised with Compaction. Compaction believes that it will be prepared to provide a meaningful response by May 20, 2025. As such, the parties respectfully request that they be allowed until such time to provide the Court with a further update on the status of settlement negotiations.

If Your Honor has any additional questions, please do not hesitate to contact me. The parties are happy to schedule a status conference with Your Honor to further discuss this matter or to provide additional information. Thank you for your consideration of this matter.

Respectfully submitted,

/s/ *Jeffrey M. Pollock*

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